

**CITY OF BURIEN
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

APPLICANT: Harold Duncanson, Duncanson Co. Inc., for Rodney Rosatto.

CASE NO.: PLA 06-1415

LOCATION: 14853 8th Avenue South and 634 & 648 South 150th Street, Burien, WA (see Exhibit A, Attachment 1)

APPLICATION: Subdivide three existing lots into 12 single-family residential lots in an RM-24 zoning district (see Exhibit A and attachments).

REVIEW PROCESS: Hearing Examiner conducts an open record hearing and makes a recommendation to the City Council, who then makes the final decision.

SUMMARY OF RECOMMENDATIONS

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING

After reviewing the official file, which included the Staff Recommendation, and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Rosatto application was opened at 10:00 a.m., May 24, 2007, at City Hall, Burien, Washington, and closed at 10:33 a.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Community Development Department.

Hearing Comments:

The following is a summary of the comments offered at the public hearing.

From the City

Stephanie Jewett, Planner: Provided a review of the site conditions and surrounding land uses; described the project details including access, lot size, subdivision layout and stormwater facilities; and gave staff's analysis and recommendations (see Exhibit A).

Ramesh Davad, Public Works: In response to stormwater questions Mr. Davad described the requirements for stormwater management, noting that all of the on-site stormwater would be collected to a retention facility on Tract A for later tight-line release into the City's system. He also noted that the stormwater facility would become part of the City maintained system.

From the Applicant

Harold Duncanson: Concurred with staff's review and recommendations. Mr. Duncanson has also requested that they be allowed some flexibility relative to site access planning. He noted that the parcel immediately adjacent to the west will also be coming in for a subdivision application. This provides opportunity for developing a connecting street through the two subdivisions, making for better access and circulation. Staff has indicated they are in support of joint access planning. The problem is that the timing of the application for the adjacent parcel is not known. Therefore, the applicant would like to leave the final street plan and resultant lot layout open until which time they know what is planned for the adjacent parcel.

From the Community

Susan Traub, neighbor: Had basically three concerns: noise during construction; possible effects of stormwater on her property, noting the existing conditions relative to a drainage ditch along 8th Avenue and S 150th Street; and the general effects of incremental development to local neighborhoods (see Exhibit B). Mr. Davad provided an explanation of stormwater requirements. Ms. Jewett noted that there were restrictions on allowed hours of construction. The Examiner explained the nature of incremental development relative to the Comprehensive Plan.

FINDINGS OF FACT AND CONCLUSION

1. The Facts presented in the Site Description on pages 3 and 4 in Exhibit A, Staff Recommendation, April 10, 2007, accurately reflect the site circumstances, zoning requirements and land use, and are hereby adopted by reference.
2. The Facts and Conclusion regarding compliance with SEPA review on page 5 in Exhibit A, Staff Recommendation, April 10, 2007, are accurate and hereby adopted by reference.
3. The Facts and Conclusions regarding compliance with Approval Criteria on pages 5 and 6 in Exhibit A, Staff Recommendation, April 10, 2007, are accurate and are hereby adopted by reference.
4. The Facts and Conclusions regarding compliance with Development Regulations on pages 6 through 10 in Exhibit A, Staff Recommendation, April 10, 2007, are accurate and are hereby adopted by reference; specifically:

General Compliance	pages 6 and 7
Lot Size & Layout	page 7
Street Improvements, Access, and Parking	page 8
Utilities	pages 8 and 9
Surface Water Management	pages 9 and 10

Fee-In-Lieu of Recreation Space
Tree Retention Requirements

page 10

page 10


5. The Facts and Conclusion regarding compliance with the Comprehensive Plan on page 11 in Exhibit A, Staff Recommendation, April 10, 2007, are accurate and are hereby adopted by reference.
6. The request by the applicant to be afforded some flexibility relative to the timing of final street planning in conjunction with the west adjacent parcel is reasonable since it would potentially result in better coordination of access planning, and result in a through connection that would likely be more efficient for the surrounding street network over two un-connected cul-de-sacs.

RECOMMENDATION

Based upon the foregoing findings and conclusions, it is recommended that the request for a 12 lot single family subdivision in an RM 24 zone be approved, subject to:

1. The staff recommended conditions found on page 2 of Exhibit A.
2. In the event that coordinated street/access planning can be conducted with the adjacent west parcel, then potential changes to the submitted street plan and lot layout should be allowed to occur as an administrative adjustment, allowing for flexibility both in planning and timing.

Entered this 29th day of May, 2007.



Donald B. Lergen, AICP
Hearing Examiner

CITY COUNCIL REVIEW AND DECISION

The City Council will take final action on this application in accordance with the provisions of BMC 19.65.075.

JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for judicial review.

BMC 19.65.060 allows the city's final decision to be appealed by filing a land use petition in King County Superior Court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70C. Requirements for fully exhausting City administrative appeal opportunities must first be fulfilled.

EXHIBITS

The following exhibits were offered and entered into the record:

- A. Staff Recommendation to the Hearing Examiner with attachments dated April 10, 2007.
- B. Letter from Susan Traub dated May 9, 2007.

PARTIES OF RECORD

Susan Traub
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Community Development Department

Public Works Department

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